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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT; JEREMY DAVIS,  
CHRISTOPHER CASTILLO, and MONIQUE TRUJILLO  
individually and on behalf of all other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**DECLARATION OF BLAKE LEMOINE**

1 I, Blake Lemoine, declare as follows:

2 1. I have personal knowledge of the matters discussed below and if called as a witness,  
3 I could competently testify to them.

4 2. I received my Bachelor's degree in Computer Science from the University of  
5 Louisiana at Lafayette in 2008 and my Masters in Computer Science from the University of  
6 Louisiana at Lafayette in 2010. I have served as an advisor to the National Science Foundation and  
7 have been a technical expert contributor to ISO standards on artificial intelligence and AI bias as  
8 well as their technical report on the societal and ethical implications of artificial intelligence.

9 3. I worked for Google in Mountain View, California, as a software engineer between  
10 February 2015 and November 2017, and then as a senior software engineer between November 2017  
11 and July 2022. In July of 2022 my employment with Google was terminated after I complied with  
12 a request for information about potentially illegal activity at Google from a US Senator's office.

13 4. I am now employed as head of AI for MIMIO.ai, an early-stage start-up building an  
14 artificial intelligence ("AI") powered Personality Engine™ that allows people to create their own  
15 authentic AI interactive personas.

16 5. I reached out to Plaintiffs' lawyers in this case for the first time after I saw news  
17 articles reporting that the Court had denied Google's motion for summary judgment. Those articles  
18 were reported around August 8, 2023. After reading some of those articles and learning some of  
19 what this case was about, I left a voicemail for attorney Mark Mao on August 8, 2023, advising him  
20 that I may have information relevant to this case.

21 6. I am prepared to testify at trial regarding my work at Google and my knowledge from  
22 working at Google, including about information relating to Google's use of private browsing data.  
23 I am also willing and available to appear for a deposition in advance of trial.

1           7.       While employed at Google, I worked on various projects relating to search, backend  
2 infrastructure, machine learning, automation, and artificial intelligence (or AI). I contributed to the  
3 creation and maintenance of predictive analytic systems for Google Search which interacted heavily  
4 with various Google data sources (including Chrome logs) . In the course of creating those  
5 systems, I also integrated many artificial intelligence systems managed by other teams into the  
6 systems that I was building; through that, I gained knowledge of how AI is trained at Google (using  
7 both “personalized” and “non-personalized” logs).

8           8.       I also designed the system for Google Discover’s compliance with the GDPR and  
9 have had extensive contact with Google’s upper management, people operations, and legal divisions  
10 with regards to ethics and privacy related matters. This work required me to gain knowledge of the  
11 data sources that Search uses as inputs.

12           9.       While I worked at Google, Google took the position that its internal limitations on  
13 access to end-user data (which would include private browsing data collected by Google) did not  
14 apply with respect to the algorithms, machine learning, and artificial intelligence services within  
15 Google that would use that data. More specifically, Google took the position that information  
16 inferred about a user through AI was considered to be “data about the user” owned by Google rather  
17 than “user data” owned by the user. I implemented privacy compliance according to this  
18 specification under protest.

19           10.      In my experience, engineers within Google ran tests, experiments, and training  
20 regularly on and using browsing data—including private browsing data—for various Google  
21 products and services. Many of the core AI systems consume a broad collection of different data  
22 sources and the downstream engineers building products using the output of those systems have little  
23 to no visibility into whether or not private data were used in the creation of the AI’s output.

1           11. The Google algorithms, machine learning, and artificial intelligence that various  
2 Google teams worked on were able to use and in fact used data generated by end users not only from  
3 their regular browsing but also their private-mode web browsing, including users' private browsing  
4 activities using Chrome Incognito mode.

5           12. Some of Google's algorithms, machine learning, and artificial intelligence were  
6 improved by learning about activities based on geographic location. In addition, they were trained  
7 to recognize browsing behavior and patterns originating from the same persons and devices. Thus,  
8 in my experience, Google's algorithms, machine learning, and artificial intelligence are still able to  
9 reidentify the same persons and devices, even if the end users decided to use private-mode web  
10 browsing. People's browsing patterns can serve as a signature of sorts which the AI can identify  
11 and use to transfer data about one "account" (e.g. a person's Incognito history) to a different  
12 "account" (e.g. that same person's normal Chrome experience).

13           13. In my experience, Google also has a culture and practice of limiting the creation of  
14 written documentation regarding the sorts of issues discussed above, including through Google's  
15 "Communicate with Care" program and efforts internally (by Google executives and others) to limit  
16 internal communications and punish people who raised ethical concerns about Google's practices.

17           14. While employed with Google, I conducted an internal study that included feedback  
18 from every technical lead in proactive Search. That study related in part to Google's storage and use  
19 of what can be described as "signed out" data. Following the study, I created a report summarizing  
20 my key findings, which included many potential problems that we should address before they  
21 harmed anyone. One technical issue raised in that document is that data from a user's signed out  
22 session may transfer to their signed in sessions, and vice versa. The same technical issue applied to  
23 data transference between Chrome Incognito and regular Chrome sessions (as well as other Google  
24 surfaces), through the same mechanism. I was told by my Director that my VP was advised not to  
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1 read the report in order to maintain plausible deniability and I was moved off of projects related to  
2 AI and fairness in Search after that. I continued to be assigned work unrelated to my expertise until  
3 I changed teams.

4 15. On June 4, 2022, I sent an email to Senator Mike Lee's office attaching the above  
5 summary of the findings from my study at their request. The summary mentioned my finding that  
6 users' "signed out" experiences could bleed over into their "signed in" experiences, as well as other  
7 concerns about Google's algorithms discriminating against users on the basis of their religious  
8 beliefs which was the specific topic his office had contacted me concerning.

9 16. On June 5, 2022, I sent an email to Google CEO Sundar Pichai and Alphabet's Chief  
10 Legal Officer Kent Walker advising them of the e-mail I had sent to Senator Mike Lee's office. I do  
11 not have a copy of that email, which I sent from my work e-mail account at Google to which I no  
12 longer have access. Google placed me on administrative leave the next day and terminated my  
13 employment 54 days later on July 29, 2022.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing  
15 is true and correct. Executed this 23rd day of October, 2023, in the City of San Francisco, in the  
16 State of California.

17 *Blake Lemoine*  
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19 BLAKE LEMOINE  
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